IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTOINETTE STEPHENS 8123 Fayette Street Philadelphia, PA 19150, Plaintiff, v. DELAWARE VALLEY MENTAL HEALTH FOUNDATION, INC., d/b/a FOUNDATIONS BEHAVIORAL HEALTH 833 East Butler Avenue Doylestown, PA 18901-2298 ISAAC CONCEY c/o DELAWARE VALLEY MENTAL FOUNDATION, INC., d/b/a FOUNDATIONS BEHAVIORAL HEALTH 833 East Butler Avenue Doylestown, PA 18901-2298 ALFRED JARDIAH c/o DELAWARE VALLEY MENTAL FOUNDATION, INC., d/b/a FOUNDATIONS BEHAVIORAL HEALTH 833 East Butler Avenue Doylestown, PA 18901-2298, Defendants.	CIVIL ACTION NO. JURY TRIAL DEMANDED

COMPLAINT

I. PRELIMINARY STATEMENT

Antoinette Stephens brings this action against Delaware Valley Mental Health Foundation, Inc., d/b/a Foundations Behavioral Health, Isaac Concey and

Alfred Jardiah, to redress unlawful sexual harassment, sex discrimination, and retaliation in employment, and related common law claims.

II. JURISDICTION AND VENUE

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended, the Civil Rights Act of 1991, 42 U.S.C. § 1981 (a), the Pennsylvania Human Relations Act, 43 Pa. C.S.A. § 951 et seq. and common law.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, in that this action arises under laws of the United States and 42 U.S.C. § 2000e-5(f)(3), and supplemental jurisdiction under 28 U.S.C. § 1367.

3. Antoinette Stephens has exhausted her administrative remedies before the United States Equal Employment Opportunity Commission and the Pennsylvania Human Relations Commission.

4. Venue lies in this jurisdiction pursuant to 28 U.S.C. § 1391.

III. PARTIES

3. Plaintiff, Antoinette Stephens, is an adult female citizen and resident of the Commonwealth of Pennsylvania, who resides at 8123 Fayette Street, Philadelphia, Pennsylvania 19150.

4. Defendant, Delaware Valley Mental Health Foundation, Inc., d/b/a Foundations Behavioral Health ("Foundations"), is a not for profit corporation and employer within the Commonwealth of Pennsylvania. Foundations' principal place of business is located at 833 East Butler Avenue, Doylestown, Pennsylvania 18901.

5. Defendant, Isaac Concey, at all relevant times was employed by Foundations, and his address is c/o Foundations, 833 East Butler Avenue, Doylestown, Pennsylvania 18901.

6. Defendant, Alfred Jardiah, at all relevant times was employed by Foundations, and his address is c/o Foundations, 833 East Butler Avenue, Doylestown, Pennsylvania 18901.

7. Foundations is an employer within the meaning of section 701(b) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e(b) in that it engages in an industry affecting commerce and at all relevant times has employed more than fifteen employees. Foundations is an employer within the meaning of section 4 of the Pennsylvania Human Relations Act, 43 Pa. C.S.A. § 954(b) in that at all relevant time, it has employed more than four persons within the Commonwealth of Pennsylvania.

IV. BACKGROUND FACTS

8. At all relevant times, Foundations conducted its business by and through its managers, supervisors, agents and employees, all acting within the scope and course of their employment.

9. At all relevant times, Foundations acted by or failed to act by and through the conduct of their managers, supervisors, agents and employees, all acting within the scope and course of their employment.

10. Ms. Stephens was employed by Foundations from on or about November 18, 2002 until January 2003 as a mental health technician. She learned on or about January 24, 2003 that Foundations Behavioral Health had

terminated her employment.

COUNT I
TITLE VII
SEXUAL HARASSMENT
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11. Paragraphs 1 through 10 are incorporated herein by reference as though fully set forth.

12. Beginning shortly after Ms. Stephens started working at Foundations Behavioral Health, she was subjected to sexual harassment because of her sex, female.

13. Defendant Alfred Jardiah repeatedly commented about her appearance, asked her to have sex with him, asked her to perform oral sex on him, told her he wanted to "fuck" her, offered to do it in the bathroom with her, and pulled on her clothes. On one occasion, he rubbed up against her and said, "You're not going to let me have the booty call?"

14. On or about December 21, 2002, Isaac Concey sexually molested Ms. Stephens. He commented about her appearance, tried to hug her and touch her, said "let's fuck" and asked her to give him "the booty", grabbed her breasts, and grabbed her crotch.

15. Foundations intentionally discriminated against Ms. Stephens because of her sex.

16. The discrimination was severe, pervasive and regular.

17. The discrimination detrimentally affected Ms. Stephens.

18. The discrimination would detrimentally affect a reasonable female in her position.

19. The sexual harassment created a hostile and abusive working environment for Ms. Stephens.

20. Foundations had actual or constructive notice of the sexual harassment of Ms. Stephens and others.

21. Respondeat superior liability of Foundations exists for the conduct of Concey and Jardiah.

22. Upon information and belief, other female employees of Foundations have been sexually harassed by male staff and there was an atmosphere of condoned sexual harassment at Foundations.

23. Upon information and belief, at all relevant times, Foundations did not have an adequate anti-harassment policy or an adequate or effective procedure for handling sexual harassment complaints.

24. Foundations unlawfully discriminated against Antoinette Stephens by sexually harassing her in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Civil Rights Act of 1991.

25. As a result of the sexual harassment to which she was subjected, Ms. Stephens has suffered and will continue to suffer injuries and damages.

26. Foundations engaged in those discriminatory practices with malice or reckless indifference to Ms. Stephens' federally protected rights.

WHEREFORE, Antoinette Stephens demands judgment against Foundations for back pay, benefits, compensatory and punitive damages, attorney's fees, costs and such other relief as the Court deems proper and just.

COUNT II
DISCHARGE
SEX DISCRIMINATION AND RETALIATION
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27. Paragraphs 1 through 26 are incorporated herein by reference as though fully set forth.

28. Ms. Stephens reported the sexual harassment to her supervisor Matt (last name unknown) and made a written complaint on or about December 27, 2002.

29. On or about December 30, 2002, shortly after Ms. Stephens submitted a written complaint about the sexual harassment, her supervisor Matt and Patricia Kuhl, head of Human Resources at Foundations, questioned her about the complaint. Later that day, her supervisor Matt cursed at her in front of patients and other staff because Ms. Stephens was talking with a patient from another unit at the request of that unit's staff.

30. On December 31, 2002, after she heard about Ms. Stephens' sexual harassment complaint, another supervisor, Lisa (last name unknown) called her stupid and a liar in connection with her complaint. Lisa and another supervisor, Bob (last name unknown), tried to send her home early on December 31, 2002.

31. Ms. Stephens' supervisors Lisa and Bob and Patricia Kuhl told Ms. Stephens that if she complained to anyone outside Foundations about the sexual harassment and assault, she would be fired.

32. On or about January 1, 2003, after Ms. Stephens had complained

about sexual harassment, Lisa told Ms. Stephens that she could not leave her unit and could not be left alone with any of the patients, and asked her to scrub floors and clean toilets, which were not part of her job responsibilities.

33. On or about January 2, 2003, Bob and Patricia Kuhl precipitously told Ms. Stephens to leave the premises, allegedly for her safety. Bob and Patricia Kuhl told her that her employment had not been terminated and that Ms. Stephens would continue to be paid. Ms. Stephens was not permitted to call for her ride and was put out of the building.

34. Ms. Stephens was not permitted to return to work, but was not informed that her employment had been terminated. She subsequently learned on or about January 24, 2003, through counsel for Foundations, that her employment had been terminated.

35. Ms. Stephens complained of sexual harassment, which is unlawful under Title VII, to her employer on or about December 27, 2002.

36. Less than a week later, Ms. Stephens was told to leave the premises and was not permitted to work again.

37. Upon information and belief, no disciplinary action was taken against either Alfred Jardiah or Isaac Concey, both of whom sexually harassed Ms. Stephens, and no disciplinary action was taken against Matt for cursing at her in front of patients and other staff.

38. Foundations' actions toward Ms. Stephens after she complained of sexual harassment and the termination of her employment were retaliatory and discriminatory because of her sex, female.

39. Foundations unlawfully discriminated and retaliated against Antoinette Stephens in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Civil Rights Act of 1991.

40. As a result of the sexual harassment to which she was subjected, Ms. Stephens has suffered and will continue to suffer injuries and damages.

41. Foundations engaged in those discriminatory practices with malice or reckless indifference to Ms. Stephens' federally protected rights.

WHEREFORE, Antoinette Stephens demands judgment against Foundations for back pay, benefits, compensatory and punitive damages, attorney's fees, costs and such other relief as the Court deems proper and just.

COUNT III
PENNSYLVANIA HUMAN RELATIONS ACT
STEPHENS v. FOUNDATIONS, CONCEY AND JARDIAH

42. Antoinette Stephens incorporates by reference paragraphs 1 through 41 of the complaint.

43. The defendants violated the Pennsylvania Human Relations Act, 43 Pa. C.S.A. § 951 et seq. by sexually harassing, discriminating on the basis of sex and retaliating against Antoinette Stephens.

WHEREFORE, Antoinette Stephens demands judgment against defendants for back pay, benefits, compensatory damages, attorney's fees, costs and such other relief as the Court deems proper and just.

COUNT IV
ASSAULT AND BATTERY
STEPHENS v. FOUNDATIONS AND CONCEY

44. Antoinette Stephens incorporates by reference paragraphs 1 through 43 of the complaint.

45. The actions of Concey constituted acts intending to cause, and causing, harmful or offensive contacts with the person of Ms. Stephens without her consent.

46. Defendants' conduct was willful, malicious, wanton and outrageous.

47. As a direct and proximate result of Concey's assaults and batteries, Ms. Stephens suffered injuries and damages.

WHEREFORE, Antoinette Stephens demands judgment against Foundations, Jardiah and Concey for compensatory and punitive damages.

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December 20, 2004